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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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09/488,183

01/20/2000

Paul Entwistle

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4053

7590

01/25/2005

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EXAMINER

HOYE, MICHAEL W

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/488,183

Applicant(s)

ENTWISTLE, PAUL

Examiner

Michael W. Hoye

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/20/00 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on August 23, 2004 have been fully considered but they are not persuasive.

Regarding independent claims 1 and 7, the Applicant argues that, “the ‘477 publication to Hassell et al does not include a time shifted electronic program guide...”

Moreover the Applicant argues that, “the ‘477 Hassell et al publication does not include the time-shifting (displayed by the electronic program guide) caused by interaction of the same, [and that] the electronic program guide of the ‘477 Hassell et al publication is not synchronized with the display of the remainder of the program and/or subsequent programs.”

Finally, the Applicant concludes that, “although the electronic program guide of ‘477 Hassell et al publication is adjusted in response to recording a program, the details of the electronic program locations are not time shifted to take into account the overlaps between programs, as in Applicant’s currently amended application.”

In response, the Examiner respectfully disagrees with the Applicant because the Hassell et al publication clearly teaches a time shifted electronic program guide as described in ¶ [0037]-[0038] and each column 147 of row 145 in Fig. 5b, where a stored program or stored programs may be listed using row 145 of program listings grid 141 to “indicate currently stored programs...like an additional channel” (see ¶ [0037]). The Hassell et al reference discloses that delayed or stored programming may be time-shifted and synchronized with the display of other channels and programming that are listed in the electronic program guide as displayed in Fig. 5b.

Art Unit: 2614

Furthermore, the delayed or stored programs (Program 1, Program 2 and Program 3) shown row 145 of Fig 5b, are time-shifted to take into account any overlaps between programs.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Hassell et al (US 2003/015477 A1).

As to claims 1 and 7, Hassell discloses a television data receiving apparatus (Set-Top Box 28, Fig. 2) which allows the display of a series of programs at the location where data is received (see Television 36 and Set-Top Box 28, Fig. 2, and ¶ [0008]); means for receiving data for generating an electronic program guide (EPG) at said at least one location (Set-Top Box 28) which indicates a schedule of programs (¶ [0017]) and other information (see weather information, web links, etc, part. 17) which can be displayed... (¶ [0007] and [0018]); means whereby the display of a program can be delayed (by storing or recording a program and subsequent programs for later playback) and data received for subsequent programs stored in a memory means (Digital Storage Device 31) for selective display at a later time (¶ [0020]-[0021]); wherein the EPG at said at least one locations is time shifted (i.e., since Fig. 5b shows recorded programs **only** in row 145 (channel 2) of the EPG, relative to other available broadcast programs

Art Unit: 2614

(channels 3,4,5) for viewing, the time slots (65) of Fig. 5b must represent adjusted playback times for the recorded programs on channel 2 and the same time slots (65) represent the current and future times for the available programs on channels 3, 4 and 5.) in response to the delay in display (local or otherwise) of subsequent programs (see row 145, Fig. 5b and ¶ [0037]-[0038]) so as to provide synchronization of the time shifted EPG details with said display of program or programs... The Hassell et al publication clearly teaches a time shifted electronic program guide as described in ¶ [0037]-[0038] and each column 147 of row 145 in Fig. 5b, where a stored program or stored programs may be listed using row 145 of program listings grid 141 to “indicate currently stored programs...like an additional channel” (see ¶ [0037]). The Hassell et al reference discloses that delayed or stored programming may be time-shifted and synchronized with the display of other channels and programming that are listed in the electronic program guide as displayed in Fig. 5b. Furthermore, the delayed or stored programs (Program 1, Program 2 and Program 3) shown row 145 of Fig 5b, are time-shifted to take into account any overlaps between programs.

As for claim 2, Hassell discloses said television data receiving apparatus (Set-Top Box 28) wherein the schedule generated for said EPG is linked to the use of a local memory at said at least one location and display (Digital Storage Device 31, Fig. 2, and ¶ [0020]-[0021]) so as to automatically reflect scheduling adjustments caused by the time shifting (e.g., the time slots 65 for recorded programs in row 145, Fig. 5b) of broadcast programs by the user selected to delay display of said program (¶ [0037]-[0038]).

As for claim 3, Hassell discloses said television data receiving apparatus (Set-Top Box 28) wherein the EPG means receives a first signal to indicate the commence of a delay in broadcast

of program data and commencement of storage of the same in said memory means (i.e., a "record" command, see Grid 60, Fig. 5B and ¶ [0042]-[0043]), and a second signal to indicate when the viewing of said data recommences (i.e., a "play" command, ¶ [0040]) and adjusts the EPG to take into account the time period between said first and second signals (¶ [0037]-[0038]).

As for claim 4, Hassell discloses said television data receiving apparatus (Set-Top Box 28) wherein said first and/or second signals and/or additional signals are received by said means for generating said EPG (¶ [0040] and [0042]-[0043]) and indicate the particular program and channel, which have been selectively delayed by the user (see Program 1, etc. and Channel 2 of row 145, Fig. 5b).

As for claim 5, Hassell discloses said television data receiving apparatus (Set-Top Box 28) wherein said EPG is adjusted (in Fig. 5b, the time slots (65) of Fig. 5b represent adjusted playback times for the recorded programs on channel 2 and the same time slots (65) represent the current and future times for the available programs on channels 3, 4 and 5) by generating an additional display feature which indicates the actual viewing schedule of the user, including any delays in viewing of programs (¶ [0037]-[0038]).

As for claim 6, Hassell discloses said television data receiving apparatus wherein said EPG is displayed as a grid (grid 60, Fig. 5b, and ¶ [0030]) with a number of rows (rows 141 or 145, Fig. 5b, and ¶ [0030]), each indicating a channel and located with respect to a time band (see channel and time band, Fig. 5b, and par. ¶ [0030]-[0031]), and if a selected delay of a program is made by the user, and additional row is generated on said EPG (row 145, Fig. 5b) to indicate the real-time viewing schedule for the user at the apparatus location, including the delay (¶ [0037]-[0038]).

Art Unit: 2614

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael W. Hoye whose telephone number is (703) 305-6954. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at (703) 305-4795.

Any response to this action should be mailed to:

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

Mail Stop ____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Art Unit: 2614

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Arlington, Virginia 22202

Or faxed to: (703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to customer service whose telephone number is **(703) 308-HELP**.

Michael W. Hoyer
January 13, 2005


JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600